

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: June 20, 2018
Time: 11:30 a.m.
Place: Kapālama Hale
925 Dillingham Boulevard
1st Floor Conference Room

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II. NEW BUSINESS

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution



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II.A. CHAIR'S REPORT (cont'd)

2. For Action: Approval of Open Session Minutes of May 16, 2018
3. For Action: Approval of Executive Session Minutes of May 16, 2018

[exec/session if needed, HRS §92-5(a)(4)]



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II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staff Work Reports Summary

- Legal Clerk III (TA)
- Investigator
- Associate Legal Counsel



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II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK III (TA)

- Processing meeting materials, lobbyist forms, case intake; assisting investigations
- Managing board/commission, all-City ethics training; trouble-shooting City's learning management system issues
- Updating, redesigning, refreshing website
- Managing front-office, phones, other



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II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

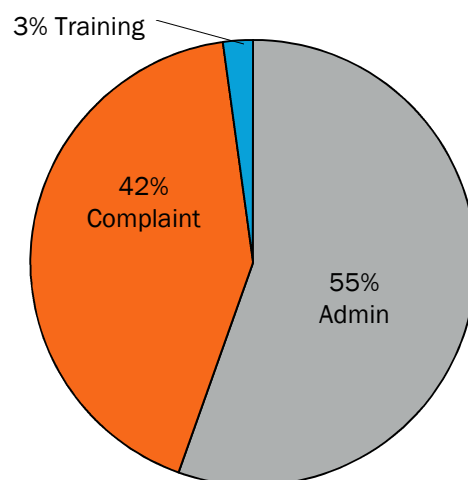
- Managing case load (interviews, investigation, research/analysis, reporting)
- Prepping for and attending case management meetings
- Assisting with EC minutes, meetings



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II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



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II.B.1. STAFF WORK REPORTS – HIGHLIGHTS ASSOCIATE LEGAL COUNSEL (ALC)

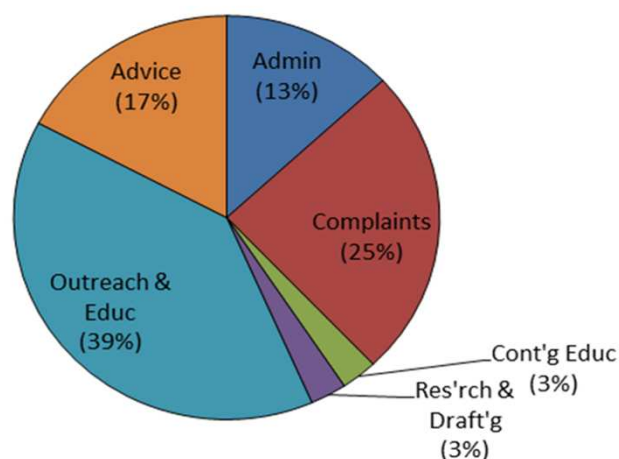
- Handling ongoing admin responsibilities
- Investigating cases, strategy, training Investigator and Legal Clerk III (TA)
- Conducting outreach, multi-jurisdictional research; drafted newsletter; tweeting
- Drafting financial disclosures legislation
- Managing requests for advice
- Preparing program of work for UH law student
- Creating new biennium ethics program



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II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL



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II.B.2 STATISTICS

a. Website Sessions

- May 2018 – 420



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II.B.3 BUDGET

b. FY2019 Operating Budget Request

- Bill 15 (2018) CD2, FD1 – EC funding requests for salaries, 1 out-of-state training/travel, contract monies
- Budget passed – June 6, 2018



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

- Feedback
- Developing course for next biennium:
July 1, 2018–June 30, 2020 (FY19–FY20)
 - ✓ Pending outreach – Cmmr. Kanda
- Non-domain (private) user interface pending, but DIT said online soon



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

- Board/Commission members (Mindflash)
155/168 (as of June 14)
- City Officers/Employees
6,088 (as of June 15)



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II.B.7. EDUCATION OPPORTUNITIES

a. Administrative Hearings

Office of Administrative Hearings (OAH), Dept. of Commerce and Consumer Affairs

- Feedback (Cmmrs. Adler, Amano, Kanda, Suemori)
- Audio recording, handout available in Dropbox
- ETH and OAH – pursue Memo of Understanding (MOU) for ethics hearings



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II.B.7. EDUCATION OPPORTUNITIES

b. Will Weinstein Ethics Conversation Series

UH Mānoa, Richardson School of Law

- July 5, 10, 17, 19 and Aug. 2, 7 (free)
- 6:00 p.m. – 7:30 p.m.
- Attorneys eligible for CLEs
- Parking available on campus (\$6)



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II.B.8. EVALUATION FORM – EXECUTIVE DIRECTOR AND LEGAL COUNSEL

Reminder:

- Commissioners' comments due
- Send directly to Vice Chair Lilly (not to staff)
- EDLC evaluation – July 18, 2018 meeting

[End – EDLC Report]



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III. EXECUTIVE SESSION

A. For Discussion:

Kealoha vs. Totto



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IV. STRATEGIC PLANNING

A. For Discussion:

Media Policy (dated July 23, 2015) and
Crisis Management

B. For Discussion:

Social Media Policy (e.g., State Campaign
Spending Commission)



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V. ADJOURNMENT

Honolulu Ethics Commission
Kapālama Hale
925 Dillingham Boulevard, Suite 190
Honolulu, Hawai`i 96817
Ph: (808) 768-9242

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

 Twitter: @HonEthicsComm



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**Agenda Item II.A.1.,
Page 1
[Correspondence – 20180524
Thank You Letter]**

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285
FAX: (808) 586-0288
WWW.HAWAII.GOV/CAMPAIGN

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

May 24, 2018

Mr. Craig Uyehara
Senior Hearings Officer
Department of Commerce & Consumer Affairs
Office of Administrative Hearings
335 Merchant Street, Suite 100
Honolulu, Hawai'i 96813

18 MAY 29 PM 2:47

HONOLULU
ETHICS COMMISSION
RECEIVED

Dear Mr. Uyehara:

On behalf of the Hawaii Campaign Spending Commission, the State Ethics Commission, and the Honolulu Ethics Commission, we would like to thank you for your time, expertise, and assistance to our Commissions and staff in providing HRS Chapter 91 Contested Case Hearing training on May 23, 2018.

Your presentation was very effective in providing us with the considerations necessary to conduct contested case hearings properly with a hearings officer and with a Commission. You offered several practical legal and adjudicative advice that Commissioners and staff members very much appreciated.

Thank you again for accommodating all of our offices. In this challenging fiscal economy, we are grateful for your cooperation and willingness to help other government agencies.

Very truly yours,

KRISTIN E. IZUMI-NITAO
Executive Director
Hawaii Campaign Spending Commission

DANIEL M. GLUCK
Executive Director and General Counsel
State Ethics Commission

JAN K. YAMANE
Executive Director and Legal Counsel
Honolulu Ethics Commission

c: Catherine Awakuni Colon, Director, Department of Commerce & Consumer Affairs
Bryan Luke, Chair, Hawaii Campaign Spending Commission
Reynard D. Gaulty, Chair, State Ethics Commission
Victoria S. Marks, Chair, Honolulu Ethics Commission

**Agenda Item II.B.7.b.,
Page 2
[WWeinstein Ethics
Conversation Series]**

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Will Weinstein ETHICS CONVERSATION SERIES

What causes and enables high profile members of the financial, business, and legal communities to lie, cheat and steal? Join us as a number of knowledgeable professionals from the business, legal, education, medical, political, environmental and athletic communities participate to examine business and legal ethics from the beginning of the decade to today's ongoing and headline-making ethical conundrums.

» 6:00 – 7:30 p.m. | » Free-of-charge | » \$6 parking after 4 p.m. on campus

TBD: Licensed attorneys are eligible for continuing legal education credits.

DOWNLOAD FLYER

SCHEDULE & PANEL DETAILS

» Ethics of Capitalism

JULY 05, 2018

William S. Richardson School of Law, Classroom 2

Jay Shidler

Founder and Managing Partner, The Shidler Group

Peter Shaindlin

COO, Halekulani Corporation

Roger Berkowitz

Associate Professor of Politics, Philosophy, and Human Rights; Academic Director,
Hannah Arendt Center for Politics and Humanities at Bard College

RSVP TODAY

»» **Ethics in College and Professional Athletes**

JULY 10, 2018

William S. Richardson School of Law, Classroom 2

George Rush

Former Head Football Coach, San Francisco City College

Nick Rolovich

Head Football Coach, University of Hawai'i at Mānoa

Darren Hernandez

Head Football Coach, Kapolei High School

RSVP TODAY

»» **Ethics in the Boardroom**

JULY 17, 2018

William S. Richardson School of Law, Classroom 2

Mary Bitterman

President, Bernard Osher Foundation; Lead Independent Director, Bank of Hawaii

RSVP TODAY

»» **Fraud and Its Recent Giants**

JULY 19, 2018

William S. Richardson School of Law, Classroom 2

Michael Purpura

Partner, Carlsmith Ball LLP; Former Assistant U.S. Attorney and Counsel to the President

J. Michael Seabright

Chief Judge, U.S. District Court of Hawai'i

RSVP TODAY

»» **Legal Ethics**

JULY 31, 2018

William S. Richardson School of Law, Classroom 2

Judge Richard Clifton

Senior Judge, United States Court of Appeals for the Ninth Circuit

Ken Lawson

Professor, University of Hawai'i at Mānoa, William S. Richardson School of Law

Donovon Odo

Attorney at Law, Public Defender, Hawai'i

RSVP TODAY

» **Medical Ethics**

AUGUST 2, 2018

William S. Richardson School of Law, Classroom 2

Rick Fried, J.D.

Founding Member, Cronin, Fried, Sekiya, Kekina & Fairbanks

Dr. Jerris Hedges

John A. Burns School of Medicine, University of Hawai'i at Mānoa

Claude M. Chemtob Ph.D.

Clinical Professor of Psychiatry

Josh Green

Hawai'i State Senator for the 3rd District

RSVP TODAY

» **Ethics in Politics**

AUGUST 7, 2018

Shidler College of Business, BusAd A-102

Barbara Boxer

Former U.S. Senator for California

Colleen Hanabusa

U.S. Representative for Hawai'i's

1st Congressional District

Special Lecture

RSVP TODAY

ABOUT WILL WEINSTEIN

Will K. Weinstein, money manager and former partner in two very successful investment banking firms, currently leads a post graduate summer course, "Integrity and Ethics in the Real World," at the UH Mānoa William S. Richardson School of Law and the Shidler College of Business. This is Weinstein's fifteenth summer teaching the course, introducing special guest speakers to the university and making this learning opportunity available to the public.

DEPARTMENTS

Financial Economics & Institutions
Information Technology Management
Management and Industrial Relations
Marketing
School of Accountancy

SHIDLER ELSEWHERE

Shidler Intranet

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Finance
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International Business Management
Management Information Systems
Marketing
Minor in Business

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PHD
PhD Program

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Vietnam Executive MBA
Distance Learning Executive MBA
Master of Human Resources Management
Custom Programs

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Graduate / MBA Admissions
PhD Admissions
Executive Programs Admissions
College Directory

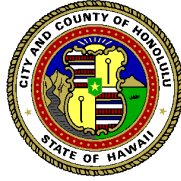
ADDRESS

University of Hawai'i at Mānoa
Shidler College of Business
2404 Maile Way
Honolulu, HI 96822 USA

**Agenda Item IV.A.,
Page 2
[Media Policy;
Dated July 23, 2015]**

ETHICS COMMISSION CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 211 • HONOLULU, HAWAII 96813-3091
PHONE: (808) 768-7786 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



KIRK CALDWELL
MAYOR

CHARLES W. TOTTO
EXECUTIVE DIRECTOR &
AND LEGAL COUNSEL

Media Policy July 23, 2015

Policy

One of the primary roles of the Honolulu Ethics Commission is to maintain and improve public confidence in government officials and employees. One of the ways in which it fulfills that role is by communicating with the public through the news media. The purpose of a news release from the Commission is to summarize and communicate to the public the important positions or actions taken by the Commission, as well as their impact on the public and the integrity of city government and city officials.

Procedure

The following procedures will be followed as reasonably practicable:

1. Media interaction will aim to educate and inform the public and city workforce about the City ethics program, including the standards of conduct governing the work of City officers and employees, ethics training, legislation, statistics and Commission priorities.
2. In news releases about formal advisory opinions and findings, staff should refrain from interpreting the opinions and findings. However, it is permissible to extrapolate from advisory opinions or findings of the Commission to comment on how those opinions or findings may affect future hypothetical situations.
3. All media enquiries should be directed to the Executive Director/Legal Counsel ("EDLC"). The EDLC will respond in the normal course. At the earliest reasonable opportunity, the EDLC will inform the Commission members by email of the content of comments made to the media. To avoid confusion and potentially contradictory information, Commission members and staff should not communicate with media on behalf of the Commission. However, Commission members and staff are permitted to comment publicly in their individual capacities.
4. Comments in a news release shall be attributed to either the Commission or the Commission staff, as consistent with the statement being reported.

5. All written media communications shall be sent to the following, in order:
 - Commission members
 - Complainant(s) and respondent(s), if applicable
 - City Administration (mayor, managing director, cabinet)
 - Councilmembers
 - Media
 - Members of the public who have asked to receive Commission news releases
 - Departmental administrative service officers
 - Any other Requestor

**Agenda Item IV.A.,
Page 2
[Crisis Management –
Discussion Questions]**

Crisis Management - Discussion Questions

Ethics Commission Meeting – March 21, 2018

- What type of crisis?

Employee violence, embezzlement, hostage situation, board improper behavior, computer hacking, information leak by staff, etc. Be as complete as we can be, however unlikely the event.

- What steps should be taken?

Meet with Corporation Counsel? Other city officials? Emergency huddle to find out facts, etc.

- Who is the spokesperson?

Ethics Commission Chair? EDLC?

- What kinds of templates do we develop?

Develop template for each statement, including one where we state why we cannot give more information

Templates for what goes on the Ethics Commission website, city website

Social media actions

- Action steps?

News release distributed? by City? by Ethics Commission?

News conference?

In what situations do we defer to the police? City? Feds?

- What method of communication?

Telephone, fax, email, text, social media, in person meetings

Media distribution lists

**Agenda Item IV.B.,
Page 2
[Social Media Policy]**



(<http://ags.hawaii.gov/campaign>)

State of Hawaii
Campaign Spending Commission
(<http://ags.hawaii.gov/campaign>)

[Home \(http://ags.hawaii.gov/campaign/\)](http://ags.hawaii.gov/campaign/) » Social Media Policy

SOCIAL MEDIA POLICY

The Commission recognizes the value of social media and seeks to leverage its capabilities to increase, enhance, and supplement our communication efforts to inform our filers (candidate committees, noncandidate committees and corporations) and the public of important and time sensitive campaign finance information in our efforts to achieve better compliance.

The Commission will utilize Facebook and Twitter for this purpose but it asks that all questions and requests for information, filing assistance or advisory opinions be directed to our office in writing or by calling us at (808) 586-0285. Please do not use our Facebook and Twitters pages for this purpose.

Since Facebook and Twitter do allow posts from their members, we ask that you keep your posts clean and that you follow our posting guidelines below. Failure to comply will result in your post being removed:

- No personal attacks of any kind, obscenities, profanity, abusive, hateful, defamatory, explicit or racially derogatory language towards any person or organization are allowed.
- No solicitations or advertisements are allowed. This includes promotion or endorsement of any person, organization, or issue.
- No posts suggesting or encouraging illegal activities are allowed.
- You participate at your own risk, taking personal responsibility for your posts, username, and any information provided. To protect your privacy, we suggest that you refrain from including personal information in your posts.

While social media is a 24/7 medium, our tracking capabilities are not. We may not see every post right away but every effort will be made to promptly remove posts that fail to follow these guidelines.

The Commission reserves the right to remove any post at any time.